

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

DALE FISHER, #1972882

§

VS.

§

CIVIL ACTION NO. 6:17cv691

DIRECTOR, TDCJ-CID

§

ORDER OF DISMISSAL

Petitioner Dale Fisher, proceeding *pro se*, an inmate confined at the Coffield Unit within the Texas Department of Criminal Justice (TDCJ), filed this petition for a writ of habeas corpus pursuant to § 2254 complaining of the legality of his criminal conviction. The case was referred to the United States Magistrate Judge, the Honorable Judge John D. Love, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Judge Love issued a Report, (Dkt. #17), recommending that Petitioner's federal petition for a writ of habeas corpus be dismissed, with prejudice. He also recommended that Petitioner be denied a certificate of appealability *sua sponte*. Petitioner has filed timely objections, (Dkt. #22).

The court has conducted a careful *de novo* review of record and the Magistrate Judge's proposed findings and recommendations. *See* 28 U.S.C. §636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Upon such *de novo* review, the court has determined that the Report of the United States Magistrate Judge is correct and the Petitioner's objections are without merit. Accordingly, it is

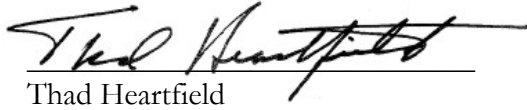
**ORDERED** that Petitioner's objections, (Dkt. #22), are overruled and the Report of the Magistrate Judge, (Dkt. #17), is **ADOPTED** as the opinion of the District Court. It is also

**ORDERED** that the above-styled civil action is **DISMISSED** with prejudice. Moreover,  
it is

**ORDERED** that Petitioner Fisher is **DENIED** a certificate of appealability *sua sponte*.  
Finally, it is

**ORDERED** that any and all motions which may be pending in this action are hereby  
**DENIED**.

**SIGNED** this the **28** day of **March, 2019**.

  
Thad Heartfield  
United States District Judge